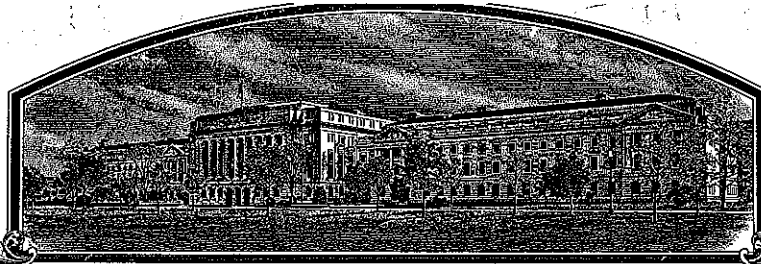


No.

200700407



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Orsetti Seed Company, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THEREOF IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Torreto'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventeenth day of February, in the year two thousand and nine.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

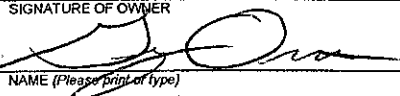
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Orsetti Seed Company, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME BOS 9200693		3. VARIETY NAME Torreto	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350		5. TELEPHONE (include area code) (831) 636-4822		FOR OFFICIAL USE ONLY PVPO NUMBER #200700407 FILING DATE August 8, 2007	
		6. FAX (include area code) (831) 636-4814			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION California		9. DATE OF INCORPORATION June 1, 1986	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Greg P. Orsetti 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350				FILING AND EXAMINATION FEES: \$ 4382.00 DATE 8/9/2007 CERTIFICATION FEE: \$ 768.00 DATE 11/17/08	
11. TELEPHONE (include area code) (831) 636-4822		12. FAX (include area code) (831) 636-4814		13. E-MAIL greg@orsettiseeds.com	
14. CROP KIND (Common Name) Lettuce		16. FAMILY NAME (Botanical) Asteraceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Lactuca sativa L.		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.					
The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.					
Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) Greg P. Orsetti			NAME (Please print or type)		
CAPACITY OR TITLE V.P., Sales & Marketing		DATE 8/7/07		CAPACITY OR TITLE DATE	

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

2007 AUG 9 AM 10:52

EXHIBIT A
Revised 9/8/2008

Origin and Breeding History of the Variety

The lettuce variety, Torreto, was developed using the traditional sexually reproduced method of breeding.

The eventual variety, "Torreto" had the initial breeding work conducted by Dr. John Hunsperger, an employee of Orsetti Seed Company, Inc., and was concluded by Paul Orsetti, President of Orsetti Seed Company, Inc. The breeding objective was to develop a black seeded romaine lettuce similar to the variety Fresh/Heart, but with black seed.

The criteria for selection of the variety was as follows:

1. Black seeded variety.
2. Larger plant size than Fresh/Heart (BOS 9021-G).
3. Three to five days earlier maturity than Fresh/Heart (BOS 9021-G).
4. Adaptation to the same growing areas and seasons as Fresh/Heart (BOS 9021-G).
5. Color and leaf texture as Fresh/Heart (BOS 9021-G).
6. Multi-use for the whole plant market and the heart only product market.

Two back cross generations of an original cross were selected for the romaine type and black seed color.

The initial cross was made in the greenhouse in 2003. A single black seeded variant plant (79514) was found in the Orsetti Seeds commercial seed field of Fresh/Heart (BOS 9021-G) in 2002. The plant was crossed with Fresh/Heart (BOS 9021-G) white seeded, in 2003 and the F1 selfed and progeny tested for Fresh/Heart (BOS 9021-G) type and black seed color.

Black seeded segregations were then twice back crossed to the black seeded parent, 79514. Eight black seeded lines were selected and progeny tested in spring 2005. These lines were: 9200689, 9200699, 9200691, 9200692, 9200693, 9200693, 9200694 and 9200695.

Two lines, 9200693-1 and 9200693-2 were selected for seed increase and trialing in 2006, resulting in the end that 9200693-2 was determined comparable to "Fresh/Heart (BOS 9021-G)" in type and performance, while having the added benefit of black seed, earlier maturity, and larger size.

A seed increase, 9800055, was made in 2006 of 9200693-2 concurrently with market trialing. Twenty single plant selections were taken in the seed production field and progeny tested Fall 2006, at the Orsetti Seed Company, Inc. research station at San Juan Bautista, California, for stock seed determination. These single plant selections were harvested as: 9800055-1 thru 9800055-20.

Exhibit A

Page 2

The singles, 9800055-7, 9800055-8, 9800055-10 and 9800055-20 were massed for commercial seed production trialing 2007 and commercial seed production 2008. Torreto has been observed for two generations of reproduction and during seed increase period and is stable and uniform. No variants were observed other than a white seeded variant of approximately 1 seed in 1,000 may be present and the plant should be removed during seed production color roguing. While the seed color of the occasional variant is white, the plant phenotypically is very similar to the black seeded siblings.

The variety name 'Torreto' was cleared for use by the USDA-AMS.

EXHIBIT B
Revised 8/15/2008

Statement of Distinctness

Based on morphology, Torreto is most similar to the variety Fresh/Heart (BOS 9021-G).

While Torreto closely resembles Fresh/Heart (BOS 9021-G), it has the distinct advantage of being black seeded. This is its primary distinguishing difference, providing end users the assurance of physically seeing the seed source.

Quantitative traits are measured as no significant difference (other than seed color) by the attached addendum to Exhibit B.

Table I. summarizes the characters evaluated and whether these characters can be differentiated in the two varieties. Individual t-Test analyses support the summary table. (See attached Addendums to Exhibit B)

From Table I it can be concluded that:

- 1) Color (RHS): NS Diff
- 2) Plant Height at Harvest: NS Diff
- 3) Head Weight at Harvest: NS Diff
- 4) Frame Width at Harvest: NS Diff
- 5) Core Height at Harvest: NS Diff
- 6) Days to Maturity: NS Diff
- 7) Seed Color of Torreto: BLACK, while seed color of Fresh/Heart (BOS 9021-G) is WHITE.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Lettuce (*Lactuca sativa* L.)

NAME OF APPLICANT (S) Orsetti Seed Company, Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION BOS 9200693	VARIETY NAME Torreto
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350		PVPO NUMBER #200700407

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in the first box (e.g. or) when number is either 99 or less or 9 or less. Measured data should be the mean of an appropriate number (at least 20) of well space plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The Location of the Test Area is:

San Juan Bautista, CA; Yuma, AZ

Color System Used:

RHS

RMD 9/5/08

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties, which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Application Variety (a1) Torreto

Most Similar Variety (c1) BOS 9021-G

FRESH HEART

Standard Regional Check Variety (c2) Parris Island

1. PLANT TYPE: (See List of Suggested Check Varieties on Page 8)

01 = Cutting/Leaf
02 = Butterhead
03 = Bibb

04 = Cos or Romaine
05 = Great Lakes Group
06 = Vanguard Group

07 = Salinas Group
08 = Eastern (Ithaca) Group
09 = Stem

10 = Latin
11 = Other (Specify)

(a1) (c1) (c2)

2. SEED:

(a1)
(c1)
(c2)

COLOR
1 = White (Silver Gray)
2 = Black (Grey Brown)
3 = Brown (Amber)

(a1)
(c1)
(c2)

LIGHT DORMANCY
1 = Light Required
2 = Light Not Required

(a1)
(c1)
(c2)

HEAT DORMANCY
1 = Susceptible
2 = Not Susceptible

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day-old seedling grown under optimal conditions.

SHAPE OF COTYLEDONS: 1 = Broad

2 = Intermediate

3 = Spatulate

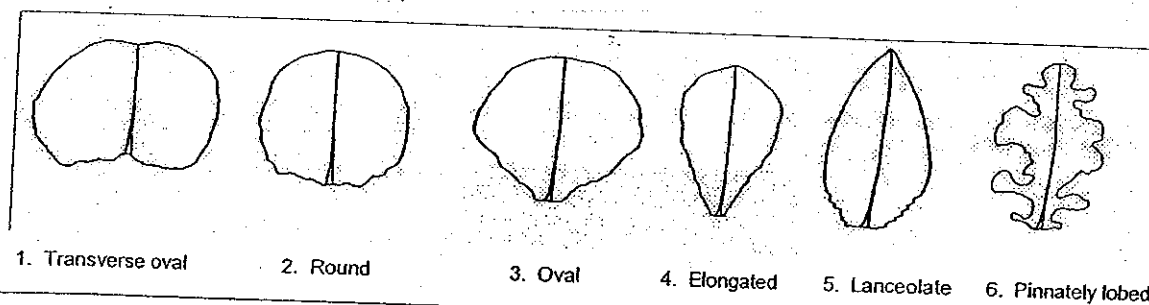
(a1) (c1) (c2)

SHAPE OF FOURTH LEAF:

(a1) (c1) (c2)

6

3. COTYLEDON TO FOURTH LEAF STAGE: (continued)



LENGTH/WIDTH INDEX OF FOURTH LEAF: LW x 10

(a1) (c1) (c2)

APICAL MARGIN:

1 = Entire

2 = Crenate/Gnawed

3 = Finely Dentate

4 = Moderately Dentate

5 = Coarsely Dentate

6 = Incised

7 = Lobed

8 = Other (Specify) _____

(a1) (c1) (c2)

BASAL MARGIN: (Use the options for Apical Margin above)

(a1) (c1) (c2)

UNDULATION:

1 = Flat

2 = Slight

3 = Medium

4 = Marked

(a1) (c1) (c2)

GREEN COLOR:

1 = Yellow Green
2 = Light Green3 = Medium Green
4 = Dark Green5 = Blue Green
6 = Silver Green

7 = Grey Green

(a1) (c1) (c2)

ANTHOCYANIN:

DISTRIBUTION:

1 = Absent

2 = Margin Only

3 = Spotted

4 = Throughout

5 = Other (Specify) _____

(a1) (c1) (c2)

CONCENTRATION:

1 = Light

2 = Moderate

3 = Intense

(a1) (c1) (c2)

ROLLING:

1 = Absent

2 = Present

(a1) (c1) (c2)

CUPPING:

1 = Uncupped

2 = Slight

3 = Markedly

(a1) (c1) (c2)

REFLEXING:

1 = None

2 = Apical Margin

3 = Lateral Margins

(a1) (c1) (c2)

4. MATURE LEAVES (Observe Harvest-Mature Outer Leaves)

NOTE: Provide color photo of a harvest-mature leaf which accurately shows color and margin characteristics.

MARGIN:**INCISION DEPTH:**
(deepest penetration
of the margin)

1 = Absent/Shallow (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Deep (Great Lakes 659)

(a1) (c1) (c2) **INDENTATION:** (Finest divisions of the margin)

1 = Entire (Dark Green Boston)

4 = Crenate (Vanguard)

2 = Shallowly Dentate (Great Lakes 659)

5 = Other (Specify) _____

3 = Deeply Dentate (Great Lakes 659)

(a1) (c1) (c2) **UNDULATIONS OF THE
APICAL MARGIN:**

1 = Absent/Slight (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Strong (Great Lakes 659)

(a1) (c1) (c2) **GREEN COLOR:**

1 = Very Light Green (Bibb)

3 = Medium Green (Great Lakes)

5 = Very Dark Green

2 = Light Green (Minetto)

4 = Dark Green (Vanguard)

6 = Other (Specify) _____

(a1) (c1) (c2) **ANTHOCYANIN:****DISTRIBUTION:**

1 = Absent

3 = Spotted (California Cream Butter)

5 = Other (Specify) _____

2 = Margin Only (Big Boston)

4 = Throughout (Prize Head)

(a1) (c1) (c2) **CONCENTRATION:**

1 = Light (Iceberg)

2 = Moderate (Prize Head)

3 = Intense (Ruby)

(a1) (c1) (c2) **SIZE:**

1 = Small

2 = Medium

3 = Large

(a1) (c1) (c2) **GLOSSINESS:**

1 = Dull (Vanguard)

2 = Moderate (Salinas)

3 = Glossy (Great Lakes)

(a1) (c1) (c2) **BLISTERING:**1 = Absent/Slight
(Salinas)2 = Moderate
(Vanguard)3 = Strong
(Prize Head)(a1) (c1) (c2) **LEAF THICKNESS:**

1 = Thin

2 = Intermediate

3 = Thick

(a1) (c1) (c2) **TRICHOMES:**

1 = Absent (Smooth)

2 = Present (Spiny)

(a1) (c1) (c2) Rare & fine**5. PLANT:****SPREAD OF FRAME LEAVES:**(a1) cm(c1) cm(c2) cm

5. PLANT: (continued)

HEAD DIAMETER: (Market Trimmed with Single Cap Leaf)

(a1) cm(c1) cm(c2) cm

HEAD SHAPE:

1 = Flattened
2 = Slightly Flattened3 = Spherical
4 = Elongate

5 = Non-Heading

6 = Other (Specify) _____

(a1) (c1) (c2)

HEAD SIZE CLASS:

1 = Small

2 = Medium

3 = Large

(a1) (c1) (c2)

HEAD PER CARTON:

(a1) (c1) (c2)

HEAD WEIGHT:

(a1) g.(c1) g.(c2) g.

HEAD FIRMNESS:

1 = Loose

2 = Moderate

3 = Firm

4 = Very Firm

(a1) (c1) (c2)

6. BUTT:

SHAPE:

1 = Slightly Concave

2 = Flat

3 = Rounded

(a1) (c1) (c2)

MIDRIB:

1 = Flattened (Salinas)

2 = Moderately Raised

3 = Prominently Raised (Great Lakes 659)

(a1) (c1) (c2)

7. CORE:

DIAMETER AT BASE OF HEAD:

(a1) mm(c1) mm(c2) mm

RATIO OF HEAD DIAMETER/CORE DIAMETER:

(a1) (c1) (c2)

CORE HEIGHT FROM BASE OF HEAD TO APEX:

(a1) mm(c1) mm(c2) mm

8. BOLTING: (Give First Water Date: 04/28/05)

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

NUMBER OF DAYS FROM FIRST WATER DATE TO SEED STALK EMERGENCE: (summer conditions)

(a1) (c1) (c2)

BOLTING CLASS:

1 = Very Slow
2 = Slow3 = Medium
4 = Rapid

5 = Very Rapid

(a1) (c1) (c2)

HEIGHT OF MATURE SEED STALK:

(a1) cm (c1) cm (c2) cm

8. BOLTING: (continued)

SPREAD OF BOLTER PLANT: (At widest point)

(a1) 3 8 cm

(c1) 3 6 cm

(c2) 3 2 cm

BOLTER LEAVES: 1 = Straight 2 = Curved

(a1) 1

(c1) 1

(c2) 1

MARGIN: 1 = Entire 2 = Dentate

(a1) 1

(c1) 1

(c2) 1

COLOR: 1 = Light Green 2 = Medium Green 3 = Dark Green

(a1) 2

(c1) 2

(c2) 2

BOLTER HABIT:

TERMINAL INFLORESCENCE: 1 = Absent 2 = Present

(a1) 2

(c1) 2

(c2) 2

LATERAL SHOOTS: 1 = Absent 2 = Present

(a1) 2

(c1) 2

(c2) 2

BASAL SIDE SHOOTS: 1 = Absent 2 = Present

(a1) 1

(c1) 1

(c2) 1

9. MATURITY: (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	APPLICATION VARIETY No. of Days ¹			MOST SIMILAR VARIETY No. of Days ¹			STANDARD REGIONAL CHECK VARIETY No. of Days ¹		
Spring		62			62			65	
Summer									
Fall		104			104			104	
Winter									

First Water Date to Harvest

Give Planting Date(s) and Location(s):

Spring: 04/15/05 San Juan Bautista, California

Summer:

Fall: 09/23/05 San Juan Bautista, California

Winter:

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

0 = Not Tested 1 = Not Adapted 2 = Adapted

2 Southwest (CA and/or AZ desert)

2 West Coast

0 Northeast

0 North Central

00 Southeast

Other (Specify) _____

10. ADAPTATION: (Continued)

SEASON:

☒ 2 Spring (Area Southwest, West Coast) ☒ 2 Fall (Area Southwest, West Coast)
☐ Summer (Area _____) ☒ 2 Winter (Area Southwest, West Coast)

☒ 0 GREENHOUSE: 0 = Not Tested 1 = Not Adapted 2 = Adapted
☒ 1 SOIL TYPE: 1 = Mineral 2 = Organic 3 = Both

11. VIRAL DISEASES:

1 = Immune	3 = Resistant	5 = Moderately Resistant/Moderately Susceptible	7 = Susceptible	9 = Highly Susceptible
Big Vein	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Lettuce Mosaic	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Cucumber Mosaic	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Tomato Bushy Stunt, cause of dieback	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Turnip Mosaic	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Beet Western Yellows	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Lettuce Infectious Yellows	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Other (Specify) _____	(a1) <input type="checkbox"/>	(c1) <input checked="" type="checkbox"/> 7	(c2) <input type="checkbox"/>	

12. FUNGAL/BACTERIAL DISEASES:

1 = Immune	3 = Resistant	5 = Moderately Resistant/Moderately Susceptible	7 = Susceptible	9 = Highly Susceptible
Corky Root Rot (Races: _____)	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Downy Mildew (Races: _____)	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Powdery Mildew	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Sclerotinia Drop	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Bacterial Soft Rot (<i>Pseudomonas</i> spp. and others)	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Botrytis (Grey Mold)	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Verticillium Wilt	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Bacterial Leaf Spot	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Anthracnose	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Other (Specify) _____	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>	

13. INSECTS:

1 = Immune	3 = Resistant	5 = Moderately Resistant/Moderately Susceptible	7 = Susceptible	9 = Highly Susceptible
Cabbage Loopers	(a1) <input checked="" type="checkbox"/> 7	(c1) <input checked="" type="checkbox"/> 7	(c2) <input checked="" type="checkbox"/> 7	
Root Aphids	(a1) <input checked="" type="checkbox"/> 5	(c1) <input checked="" type="checkbox"/> 5	(c2) <input checked="" type="checkbox"/> 5	
Green Peach Aphid	(a1) <input checked="" type="checkbox"/> 5	(c1) <input checked="" type="checkbox"/> 5	(c2) <input checked="" type="checkbox"/> 5	
Lettuce Aphid	(a1) <input checked="" type="checkbox"/> 5	(c1) <input checked="" type="checkbox"/> 5	(c2) <input checked="" type="checkbox"/> 5	

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Pea Leafminer	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Other (Specify) _____	(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>

14. PHYSIOLOGICAL STRESSES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Tipburn	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Heat	(a1) <input type="text" value="5"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text" value="5"/>
Drought	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Cold	(a1) <input type="text" value="5"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text" value="5"/>
Salt	(a1) <input type="text" value="5"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text" value="5"/>
Brown Rib (Rib Discoloration, Rib Blight)	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Other (Specify) _____	(a1) <input type="text"/>	(c1) <input type="text"/>	(c2) <input type="text"/>

15. POST HARVEST STRESS:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Pink Rib	(a1) <input type="text" value="5"/>	(c1) <input type="text" value="5"/>	(c2) <input type="text" value="5"/>
Russet Spotting	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Rusty Brown Discoloration	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Internal Rib Necrosis (Blackheart, Grey Rib, Grey Streak)	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>
Brown Stain	(a1) <input type="text" value="7"/>	(c1) <input type="text" value="7"/>	(c2) <input type="text" value="7"/>

16. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

17. COMMENTS:

SUGGESTED CHECK VARIETIES

TYPE	CHECK VARIETY
1 Cutting/Leaf	Waldmann's Green
2 Butterhead	Dark Green Boston
3 Bibb	Bibb
4 Cos or Romain	Parris Island
5 Great Lakes Group	Great Lakes 659-700
6 Vanguard Group	Vanguard
7 Salinas Group	Salinas
8 Eastern Group	Ithaca
9 Stem	Celtuce
10 Latin	Little Gem

REFERENCES

- Bowring, J.D.C., 1969, "The Identification of Varieties of Lettuce (*Lactuca Sativa* L.)". Journal of the National Institute of Agricultural Botany 11:499-520. National Institute of Agricultural Botany, Cambridge, UK.
- Davis, R.M., K.V. Subbarao, R.N. Raid, and E.A. Kurtz, 1997. "Compendium of Lettuce Diseases". APS Press, St. Paul, MN.
- Michelmore, R.W., J. M. Norwood, D.S. Ingram, I.R. Crute and P. Nicholson. 1984. "The inheritance of virulence in *Bremia lactucae* to match resistance factors 3, 4, 5, 6, 8, 9, 10, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Norwood, J.M., R.W. Michelmore, I.R. Crute and D.S. Ingram. 1983. "The inheritance of specific virulence of *Bremia lactucae* (Downy Mildew) to match R-factors 1, 2, 4, 6, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Rodenburg, C.M., et al., 1960. "Varieties of Lettuce. An International Monograph", Instituut voor de Verdeling van Tuinbouwgewassen (IVT), Wageningen, NL.
- Ryder, E.J., 1999, *Lettuce, Endive, and Chicory*, CABI Publications, Wallingford, UK.

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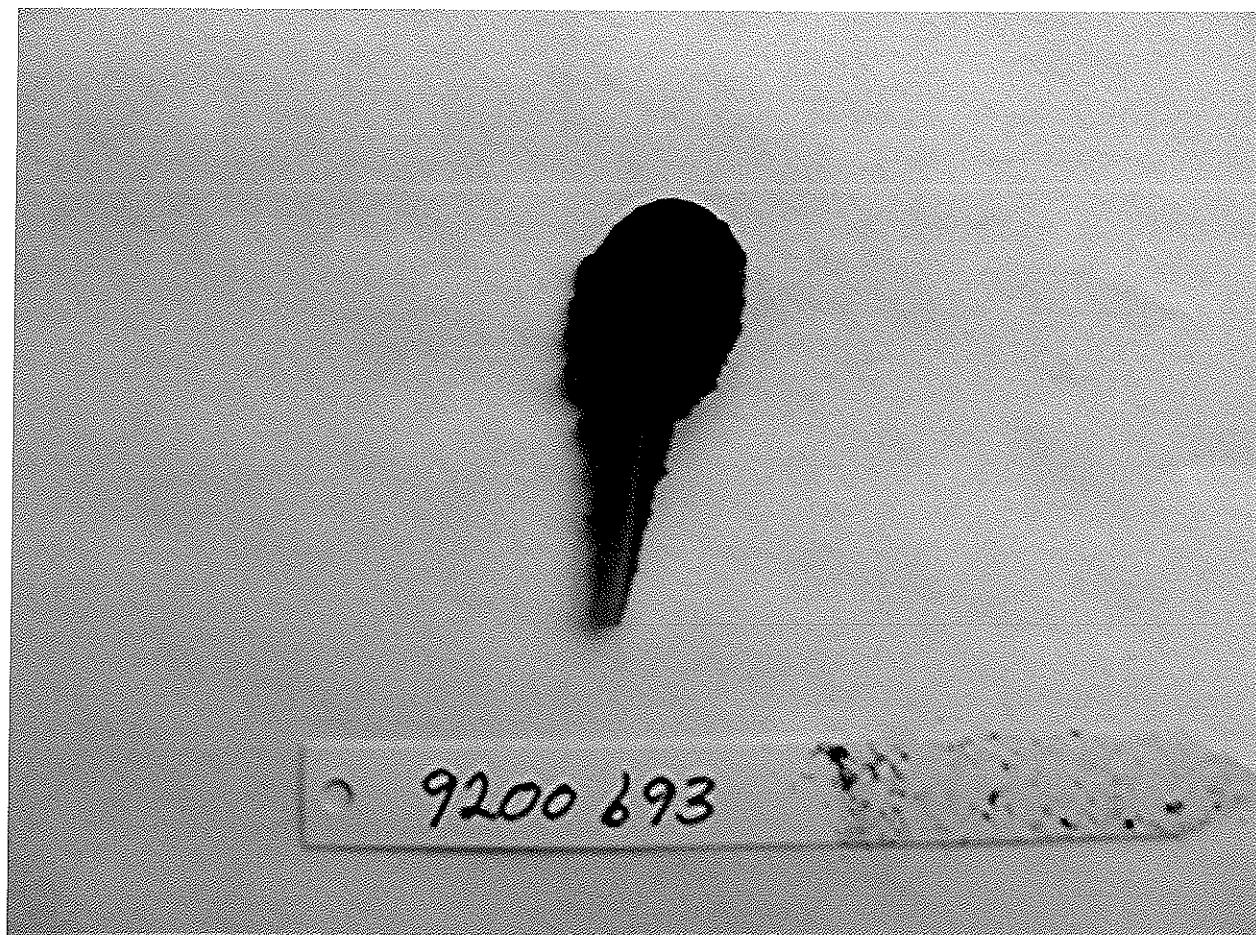


Photos of Torreto (top) and
~~BOS 9021-G~~ (bottom) at Harvest Stage

¹ Fresh/Heart'

RAD 9/8/2008

TORRETO



Fourth True Leaf of 20 Day Old Greenhouse Grown Seedling

Lettuce - Torreto

(Addendum)

Table I. Summary of comparisons between BOS 9200693 and BOS 9021-G involving quantitatively determined characters.

Trait		BOS 9200693	BOS 9021-G	t-Test	Location	Test #	Evaluation Date
Frame Width at Harvest	summer	40.2 cm	39.6 cm	ns	San Juan Bautista, CA	1	06/14/2005
	winter	34.3 cm	34.0 cm	ns	San Juan Bautista, CA	2	01/19/2006
Plant Height at Harvest	summer	30.7 cm	31.3 cm	ns	San Juan Bautista, CA	1	06/14/2005
	winter	25.6 cm	26.6 cm	ns	San Juan Bautista, CA	2	01/19/2006
Head Weight at Harvest	summer	938.5 gm	930 gm	ns	San Juan Bautista, CA	1	06/14/2005
	winter	728.6 gm	735 gm	ns	San Juan Bautista, CA	2	01/19/2006
Core Height	summer	82.4 mm	78.6 mm	ns	San Juan Bautista, CA	1	06/14/2005
	winter	52.3 mm	50.6 mm	ns	San Juan Bautista, CA	2	01/19/2006
Core Diameter	summer	45.6 mm	44.7 mm	ns	San Juan Bautista, CA	1	06/14/2005
	winter	38.1 mm	36.2 mm	ns	San Juan Bautista, CA	2	01/19/2006
Mature Plant Height	summer	86.9 cm	87.8 cm	ns	San Juan Bautista, CA	1	08/15/2005
Inflorescence Diameter	summer	33.8 cm	34.4 cm	ns	San Juan Bautista, CA	1	08/15/2005
Ruptured Leaf Blisters	summer	7.80	7.4	ns	San Juan Bautista, CA	1	06/14/2005
4th Leaf Length @ 20 Days		50.3 mm	52.7 mm	ns	Hollister, CA	1	03/28/2006
4th Leaf Width @ 20 Days		25.6 mm	25.3 mm	ns	Hollister, CA	1	03/28/2006
Whole Seedling Weight @ 20 Days		1.67 gm	1.728 gm	ns	Hollister, CA	1	03/28/2006

ns = not significantly different at $\alpha = .05$

(Addendum)

9200693			
	Weight (gm)	4th True Leaf Length (mm)	Width (mm)
1.	1.625	50	24
2.	1.613	48	24
3.	1.684	52	27
4.	1.731	52	26
5.	1.725	53	26
6.	1.582	47	24
7.	1.760	53	27
8.	1.653	49	26
9.	1.710	51	27
10.	1.615	48	25
Avg.	1.670	50.3	25.6

9021-G			
	Weight (gm)	4th True Leaf Length (mm)	Width (mm)
1	1.685	52	26
2	1.734	54	24
3	1.745	54	25
4	1.670	53	25
5	1.625	50	26
6	1.810	55	24
7	1.741	53	26
8	1.821	53	26
9	1.630	52	25
10	1.821	51	26
Avg.	1.728	52.7	25.3

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Orsetti Seed Company, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER BOS 9200693	3. VARIETY NAME Torreto
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350	5. TELEPHONE (Include area code) (831) 636-4822	6. FAX (Include area code) (831) 636-4814
7. PVPO NUMBER #200700407		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The original breeding work was done by Dr. John Hunsperger while in the employ of Orsetti Seed Company, Inc. Selection and single seed descent work for the ultimate variety was done by Paul T. Orsetti, also in the employ of Orsetti Seed Company, Inc.

Please see comments included as Exhibit A, "Origin and Breeding History of the Variety" with this application.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Orsetti Seed Company, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350	TEMPORARY OR EXPERIMENTAL DESIGNATION BOS 9200693 VARIETY NAME Torreto
NAME OF OWNER REPRESENTATIVE (S) Greg P. Orsetti	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2301 Technology Parkway P.O. Box 2350 Hollister, CA 95024-2350	PVPO NUMBER #200700407

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

8/7/07